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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,962	03/16/2004	Michael Cosci	HSJ9-2003-0199US1	4189

32112 7590 03/04/2005

INTELLECTUAL PROPERTY LAW OFFICE  
1901 S. BASCOM AVENUE, SUITE 660  
CAMPBELL, CA 95008

EXAMINER
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BAHTA, KIDEST

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

**Application No.**

10/802,962

**Applicant(s)**

COSCI ET AL.

**Examiner**

Kidest Bahta

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/16/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Claim Rejections - 35 USC f 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-4 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Nguyen (US 2002/0147518 A1).

Regarding claim 1, Nguyen discloses a system for improving manufacturing yields, comprising at least one manufacturing facility into which unprocessed pads enter (Fig. 1, Production Facility; Page 1 (0018J, line 4); identification plan for said unprocessed parts, by which each unprocessed pad is given unique and traceable unprocessed part identification data (Page 1, (0006), lines 5-6, i.e., control ID is assigned to one or more components; processing equipment included in said at least one manufacturing facility by which said unprocessed parts are turned into processed parts (Fig. 1 , Production Stations Y1 .. .Y3); identification plan for said processing equipment by which each piece of equipment is given unique and traceable processing equipment identification data (Page 1, (0006), lines 2-4); identification plan for said processed pads, by which each processed part is given unique and traceable processed part identification data (Page 1, (00061, lines 1-2) and which is relatable to said unprocessed part identification data and said processing equipment identification data (Page 1, (0006), lines 13-14., Page 3, (0032), lines 1-4); at least one computer

terminal connected to a database into which said unprocessed parts identification data, said processed parts identification data and said processing equipment identification data is stored, and related, (Page 1, (0006), lines 13-14; Page 2, (0019), lines 27-30 and lines 34-40) and which said data is retrievable to allow processed parts with defects to be traced to the processing equipment by which it was processed for repair or modification of said processing equipment (Page 2, [0019], lines 34-40., Fig. 3, step 180., Fig. 3A, step 197., Page 3, (0027), lines 4-6); Nguyen discloses testing equipment by which testing of said processed pads can be conducted (Page 3, (0027), lines 6-8\*, Fig. 1, Inspection Stations and Quality Assurance Stations).

In Additions, Nguyen discloses said database is accessible from multiple computer terminals (Page 2, (0020), lines 4-17); the multiple computer terminals are connected by an intranet (Page 2, (00201, lines 4-17); processing equipment is located in more than one manufacturing facility (Fig. 1, Production Stations Y1 to Y3); testing of said processed parts is done in a separate manufacturing facility from the one in which at least one of said at least one processing stage is performed (Fig. 1, Inspection Stations AQ-OI to AQ-03).

### ***Claim Rejections - 35 USC f 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to

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a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 5, 9, 10-14 and 15-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen as applied to claim 1 above and further in view of "Western Digital Rewrites Industry Standards for Quality with a Global Data Warehouse", Pages 1d.

Nguyen discloses the limitations of claims 1, 3-4 and 6-8 above but fails to disclose some limitations of claims 15, 17-18 and 20-22 and further fails to disclose the limitations of claims 2, 5, 9-14, 16, 19, and 23-28. However, "Western Digital Rewrites Industry Standards for Quality with a Global Data Warehouse", Pages 1d, discloses such limitations as follows:

As for claim 2,

\* said identification plan for unprocessed parts is achieved by assigning numbers to batches of parts and further assigning data related to positions within said batch of parts (Page 2, left Col., paragraph 2, i.e., 'Finding the root of quality issues requires the ability to trace separate part to their lot, Page 3, left Col., paragraph 4, i.e., a reseller calling to report a faulty hard drive may ask if any other hard drives in a particular shipment or lot number may be affected... the account representative... can respond immediately to the reseller's concerns).

As for claim 5

. said multiple computer terminals are connected by the Internet (Page 3, left Col., paragraph 3, i.e., web browsers).

As for claim 9,

\* said testing of said processed pads includes shipping finished manufactured products to consumers and monitoring field problems (Page 2, Right Col., lines 30-34, i.e., "QIS'S ability to capture hard drive build data along with shipment information", Page 3, under "QIS Delivers Strong ROI", lines 3-8).

As for claims 10-14,

\* a plan for addressing problems, which are identified during the manufacturing, process, said plan including Problem identification, through customer communication and performance monitoring, Analysis, to determine the source of the problem, Action, including efforts by manufacturing and engineering departments to solve the problem, and Result, in which improvement to the yield is confirmed (Page 3, left Col., under "QIS Action", last paragraph', Page 3, right cola, paragraph 3, i.e., the system is capable of accessing any Wester Digital manufacturing data from around the world);

. said Problem identification of said processed parts includes shipping finished manufactured products to consumers, monitoring field problems and inspecting returned products (Page 1, under "A Complex Quality Management Challenge", lines 8-14).,

\* said Analysis includes tracing parts downstream to monitor performance of pads from a processing machine, which is suspected of having problems (Page 2, left Col., paragraph 1 ; Page 4, "The Closed Loop of information");

\* said Analysis includes tracing pads upstream to correct performance of a processing machine which is suspected of causing problems (Page 3, under

"QIS Delivers Strong ROI" Page 4, "The Closed Loop of information");

\* said Analysis includes sending ahead parts from a main batch to test performance of the main batch (Page 2, left Col., paragraph 2, i.e., "Finding the root of quality issues requires the ability to trace separate part to their lot"., Page 3, left Col., paragraph 4, i.e., a reseller calling to report a faulty hard drive may ask if any other hard drives in a Particular shipment or lot number may be affected. ... the account representative... can respond immediately to the reseller's concerns).

With respect to claims 15, 17-18, and 20-22, the same citations applied above to claims 1, 3-4, and 6-8, respectively, apply as well for claims 15, 17-18, and 20-22, with the exception that the system is used for HDDS (Hard drive disks). "Western Digital Rewrites Industry Standards for Quality with a Global Data Warehouse", discloses tracking global quality data for hard drive disks (Page 3, left Col., paragraph 4', and Page 3, right Col, paragraphs 3 and 4, i.e., "The new ability to pinpoint individual component-level effect before hard drives are shipped to the customer, as well as trace back the cause of potential failures in the field").

As for claims 16, 19, and 23-25, the same citations applied to claims 2, 5, and 9-14, respectively, apply as well for claims 16, 19, and 23-28.

Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to combine the apparatus and method for monitoring manufacturing status of Nguyen with the teachings of "Western Digital Rewrites Industry Standards for Quality with a Global Data Warehouse", Pages 1d because it would

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provide an improved system wherein managers can easily find data on specific products and conduct analysis on shipments, enabling them to serve customers proactively and with greater efficiency (Page 3, Right Col., Paragraph 5).

### ***Double Patenting***

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-25 provisionally rejected under the judicially created doctrine of double patenting over claims 1-28 of copending Application No. 10/802,547. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: providing an identification plan for parts, whereby each part is given unique and traceable identification data.



Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning communication or earlier communication from the examiner should be directed to Kideest Bahta, whose telephone number is (571) 272-3737. The examiner can normally be reached on M-F from 7:00 -4:00 p.m. EST. If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached (757) 272-3749. Additionally, the fax numbers for Art Unit 2125 are (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

***Kideest Bahta***

  
March 2, 2005